

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, APRIL 15, 2010**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, April 15, 2010, in the Second Floor Council Chambers, Joseph Yenni Building, 1221 Elmwood Park Boulevard, Harahan, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Doody called the meeting to order at 9:40 a.m. and led in the pledge of allegiance.

PRESENT:

Timothy P. Doody, President
Stradford A. Goins, Vice President
George Losonsky, PhD, Secretary
Thomas L. Jackson
Ricardo S. Pineda
Louis E. Wittie

ABSENT:

Stephen Estopinal, Treasurer
David P. Barnes, Jr.
John M. Barry

OPENING COMMENTS:

Mr. Doody advised that Mr. Losonsky, Mr. Barry, Bob Turner, SLFPA-E Regional Director, and Fran Campbell, EJLD Executive Director, and the Presidents of St. Bernard, Plaquemines and St. Tammany Parishes, traveled to Washington, D.C., to meet with the Louisiana Congressional Delegation and other public officials. Among the important issues discussed were the transfer of the Operations and Maintenance (O&M) of the Inner Harbor Navigation Canal (IHNC) Surge Barrier and Navigation Gates to the U.S. Army Corps of Engineers (USACE), a request for a limited number of safe houses for St. Bernard Parish and frontal protection for pump stations and safe rooms for Plaquemines Parish, a stronger commitment by the Federal government to coastal restoration issues, the outfall canals issues and concerns about on-going construction. Senators Mary Landrieu and David Vitter are making the IHNC O&M and safe houses two of their top priority projects.

Mr. Pineda pointed out that if funding is not obtained through the Congressional process for the safe house projects in St. Bernard and Plaquemines Parishes, grants could be requested from FEMA's pre or post disaster mitigation grant programs.

Mr. Doody advised that he, Mr. Barry, Carlton Dufrechou and Mark Schexnayder were requested to serve on the Mayor-elect's transition team for coastal and levee issues. The levee committee met on four occasions to develop recommendations to be

delivered to the Mayor on April 20th. Mayor-elect Landrieu set up a meeting which was held on April 12th that included a number of Federal agencies. The purpose of the meeting was to communicate local needs and visions and to develop stronger working relationships.

Mr. Doody reported that on-going meetings have been taking place on the ultimate disposition of the Orleans Levee District's (O.L.D.) Non-Flood Assets. The Division of Administration (DOA) has tired of the management of these assets. He voiced a concern that if an asset that has an economic burden is transferred to another agency, there may be a transfer of some tax revenue with that asset. The O.L.D. Flood Division does not have an excess of the tax revenues that are used to provide flood protection to the citizens of New Orleans. Therefore, he was very concerned that the O.L.D. Flood Division not lose any tax revenue that may go along with the reassignment of any of the non-flood assets. The Non-Flood Assets Commission was established in response to legislation that was proposed last year. The final recommendation of the Non-Flood Assets Commission is that it does not believe that it has the accurate financial information needed to make good business decisions on the assignment of the non-flood assets. The Commission will ask that it be allowed to spend some of the money remaining with the Non-Flood Division to hire experts to provide the information needed. The Commission discussed possible options, including the creation of an entity under the auspices of the City to operate and maintain the assets and the placement of an insulator between the Authority and the assets which would allow another entity to operate and maintain the assets. He stressed that it is difficult for the Commission to make a recommendation with the absence of information. The O.L.D. was Constitutionally limited to half of the millage (2-1/2 mils) allowed to other levee districts in the State because of the ability of the Non-Flood Assets to generate income. The system operated and maintained by the O.L.D. is complicated and complex. Mr. Doody commented that he had no interest in having the Authority operate, maintain or manage the Non-Flood Assets; however, he reiterated his concern that the Flood Division not lose any tax revenue that it needs to do its job.

Mr. Doody provided an update on legislative issues. The membership of the Association of Levee Boards of Louisiana joined together to promote legislation, which was sponsored by Representative Billiot, to benefit levee districts statewide. The legislation included:

- A bill (HB 491) was crafted to limit levee district liability relative to levees and structures designed and built by the USACE. The bill was heard and modified in the House Civil Law and Procedures Committee last week. The USACE has a limitation of liability on projects that it designs and constructs. The Authority and levee districts have limited input in the design and construction of those projects.
- A bill (HB 494) was filed to limit levee district liability in connection with bike paths constructed on levees. This legislation was expanded to include the State and levee districts throughout the State.
- A bill (HB 485) was filed to change the reference "mean sea level (MSL)" in State law to "North American Vertical Datum of 1988 (NAVD)" in order to provide consistency.

Mr. Doody recognized the outstanding job being performed by the employees of the Authority and the levee districts.

Carlton Dufrechou was requested to provide an update of the activities of the Coastal Advisory Committee (CAC). Mr. Dufrechou reported that the CAC met on April 7th and reviewed 15 projects. A second group of 14 projects will be reviewed by the CAC at its next meeting on April 20th. Mark Schexnayder added that Colonel Sinkler had proposed that quarterly meetings be held so that State and local agencies in the Pontchartrain Basin could provide situation awareness on the various projects. He commented on the cooperation and interaction between entities on short notice and the importance of being aware of the projects that are critical because of limited funding. Mr. Dufrechou anticipated having a short list of funded projects that could be implemented quickly and a list of projects that could be implemented using mitigation funds. He thanked the Authority for recognizing that levees alone will not provide the necessary protection.

Mr. Losonsky advised that the program is currently being developed for the Geologic Facts of Life for Flood Protection Symposium held annually in July.

The agenda was amended to include Item XIII.B.4. for renewal of the East Jefferson Levee District's Flood Insurance Coverage. A motion was offered by Mr. Losonsky, seconded by Mr. Goins and unanimously adopted by a roll call vote, to approve the agenda as amended.

RESOLUTION #04-15-10-01 - APPROVAL OF MINUTES

On the motion of Mr. Jackson,
Seconded by Mr. Goins, the following resolution was offered:

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on March 18, 2010.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

PUBLIC COMMENTS:

Charles Saltaformaggio voiced his concern that the tidal flow from the Rigolets and Chef Passes would increase after the old twin span bridges are removed. The superstructure for the new bridge spans is raised to avoid damage from storm surge. He suggested that the bridge piling could be used to implement an emergency quick fix to restrict tidal flow. Mr. Saltaformaggio cited the bridge structures in the Industrial Canal as an example of flow restriction. The State anticipates removing the old twin span structures in the next six months.

Mr. Jackson applauded Mr. Saltaformaggio's efforts. He explained that the resistance of flow (head loss) in the Industrial Canal is created primarily because the peninsulas on

either side of the short span bridge structures reduce the cross section of the canal. In addition, there is head loss from the submerged bridge surface. He pointed out that there could be consequences in attempting to use the piling of the new twin span bridges to restrict flow. He suggested that the only way to determine the restriction provided by the old twin span structures and the restriction that could be provided by modifying the new bridge structures would be for the USACE to run models. Impacts and benefits must also be weighed. He added that based on actual physical hydraulic models, a restriction at the water surface, particularly in a depth such as the one in Lake Pontchartrain, adds very little real head loss to a flow.

Mr. Jackson asked Colonel Sinkler whether the USACE would consider running some hydraulic models using the existing software on tidal surge to determine head losses with and without the old twin span bridges. Colonel Sinkler responded that the USACE could so do and that he would obtain further information regarding this request after the meeting.

Colonel Sinkler was requested to comment on the status of the construction of the 100 year protection projects. He advised that there are a few no work areas in St. Bernard Parish due to some geotechnical issues that are currently being resolved. Ninety-five percent of the work along the lakefront in metropolitan New Orleans and 55 percent of the work along the New Orleans East lakefront has been completed. The USACE has awarded the contract for LPV 109 in New Orleans East. The USACE is in real estate negotiations so that the last three contracts in New Orleans East can be awarded. The construction of the IHNC surge barrier wall is ahead of schedule and should be completed in July. The cofferdams should be in place across the GIWW and Bayou Bienvenue gate areas sometime during the summer. The USACE is ready to begin the construction of the T-walls in St. Bernard Parish. Approximately 1-1/2 miles of T-wall will have to be constructed per month in order for the T-walls to be completed by June 1, 2011. The T-wall construction is being done by three contractors with construction taking place in multiple locations. The first segment of T-wall should be constructed in St. Bernard Parish sometime next month.

Mr. Losonsky asked Colonel Sinkler if the USACE could provide a presentation to the Board on the methods used to evaluate levee seepage. Colonel Sinkler responded that a presentation would be provided.

COMMITTEE REPORTS:

Finance Committee: The Finance Committee did not meet in April.

Operations Committee: Mr. Wittie reported that the Operations Committee met on April 1st and discussed the following issues:

- Projected operations and maintenance costs for the completed 100 year flood protection system, including additional personnel and equipment that will be required.
- Award of the contract to dredge the Violet Canal. Four competitive bids were received.
- The levee districts' monthly status reports were reviewed.

Mr. Pineda inquired about the ratings received by the levee districts under the USACE's Inspection of Completed Works Program. Robert Turner, SLFPA-E Regional Director, explained that the USACE's rating scale is comprised of acceptable, minimally acceptable and unacceptable ratings. He commented on the vegetation issue, particularly along the Mississippi River, that needs to be addressed. The Authority is working with the USACE to try to improve the inspection process, including clearly defining discrepancies and identifying the entity responsible for corrective action, and expediting the issuance of the report. The Board discussed posting the levee districts' inspection reports on a web site. Mr. Pineda suggested that periodic briefings be provided to the Board on follow up actions by the levee districts. Mr. Turner advised that the quarterly inspection reports are sent out electronically. He indicated that he would work on a report for the Board based on the last quarterly inspections.

Mr. Jackson commented on the issues connected with the acceptance and transition of completed USACE projects. Mr. Turner advised that the Authority has developed a construction coordination plan with things that it would like to see happen. A copy of the plan was distributed to USACE personnel. The Authority and the USACE will try to work together to have a written document in place on the process. He commented on the USACE's Red Zone process. Typically, when a project is about 80 percent complete the first Red Zone meeting is held in which project modifications and a preliminary punch list are discussed. As the project nears completion, a more comprehensive punch list is developed. A final punch list would then be developed and a final inspection held.

Legal Committee: Mr. Goins reported that the Legal Committee met on April 12th. The Committee reviewed and approved legal invoices and discussed strategies in pending litigation. Mr. Goins advised that he requested that Robert Lacour, SLFPA-E Legal Counsel, to provide a legal opinion on Board members serving on other boards and commissions, in particular, the Mayor-elect's task force on levee and coastal issues and the Bucktown Marina Advisory Board.

Mr. Lacour advised that he was not yet ready to render an opinion. He stated that he contacted one of the attorneys for Jefferson Parish to obtain a copy of the ordinance or resolution setting up the Bucktown Marina Advisory Board. He stated that the Mayor-elect's task force is less of a problem because the statute which created the Authority uses the language "a board or commission appointed by an elected official or a body composed of elected officials". He pointed out that Mayor-elect Landrieu appointed the task force to advise him as Mayor and not as Lieutenant Governor.

Special Issues Committee: No report.

CPRA/Governmental Affairs: No report.

REGIONAL DIRECTOR'S REPORT:

Mr. Turner reviewed the highlights of the Regional Director's Report (copy of report appended to minutes).

Mr. Goins asked for an update on the vacant position of Lake Borgne Basin Levee District (LBBLD) Executive Director. Mr. Turner advised that three individuals were interviewed for the position.

Mr. Goins asked whether there would be enough clearance under the Senator Ted Hickey Bridge for the tie-in on the west side of the Seabrook Gate Structure. Mr. Turner replied that this issue was vetted during the process and that he would provide Mr. Goins with a copy of the plans.

Mr. Goins asked whether an analysis has been done by the USACE on crack seepage in a column created by deep soil mixing. Mr. Turner advised that this information is included in the geotechnical report and that he would provide the information to Mr. Goins.

Mr. Goins inquired about updates to the storm modeling assumptions. Mr. Turner advised that arrangements would be made for Mr. Goins to meet with USACE staff to review this issue.

Mr. Losonsky asked for information on the seepage issue at Pump Stations 2 and 3 and on delays on certain projects. Mr. Turner explained that after Hurricane Katrina the USACE rebuilt Pump Stations 2 and 3 using the existing slabs and discharge tubes. The LBBLD hired a diver to investigate the discharge tubes due to the volume of seepage occurring post Katrina. It was discovered that the discharge tubes are not continuous. A consultant will be needed to determine the best course of action for repair.

EXECUTIVE SESSION:

1. Schwegmann Giant Supermarket vs. East Jefferson Levee District, et al, Case #563-683 24th Judicial District Court and Schudmak v. Patrick Bossetta, et al, Case #06-893, USDC Eastern District of LA.
2. To discuss authorizing Waggoner & Ball and others to do due diligence on any real estate purchases of the East Jefferson Levee District.
3. Webb Worthington Trust v. O.L.D., 25th Judicial District for the Parish of Plaquemines, State of Louisiana, No. 52-592, Division "A".
4. Clayton Williams Energy, Inc. and Energyquest II, LLC vs. Orleans Levee District and Louis Cornay and Jeanne Cornay as Receivers for Southern Delta Land Company, USDC, Eastern District of Louisiana, No. 08-4742; Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East on behalf of/and the Orleans Levee District vs. Louisiana Department of Natural Resources, 19th Judicial Court, No. 562121, Div. D/21, Parish of East Baton Rouge, State of Louisiana; and Southern Delta Land Company, Inc. through its Court-Appointed Representatives vs. Orleans Levee District, 25th JDC, No. 55-383, Div. "B", Parish of Plaquemines.
5. Discussion of the legal issues with project agreements with the Norfolk Southern Railroad.

A motion was offered by Mr. Losonsky, seconded by Mr. Goins and unanimous adopted, for the Board to convene in Executive Session to discuss the items listed on the agenda. The Board convened in Executive Session at 11:45 a.m.

At 1:18 p.m. a motion was offered by Mr. Pineda, seconded by Mr. Goins and unanimously adopted, for the Board to reconvene in regular session.

RESOLUTION #04-15-10-02 – LEGAL ACTION

On the motion of Mr. Wittie,
Seconded by Mr. Jackson, the following resolution was offered:

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the East Jefferson Levee District Executive Director Fran Campbell to continue negotiations with the firm of Waggoner and Ball to modify the initial contract proposal related to the East Jefferson Levee District safehouse project.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

RESOLUTION #04-15-10-03 – LEGAL ACTION

On the motion of Mr. Wittie,
Seconded by Mr. Losonsky, the following resolution was offered:

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the SLFPA-E President to sign the construction agreements with Norfolk Southern Railroad necessary for the flood protection projects discussed in Executive Session.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

Public comments on adoption of resolution to levy and impose a millage rate of 4.01 mills on the 2010 tax roll on all property subject to taxation by the EJLD.

Mr. Doody called for public comments on the adoption of a resolution to levy and impose the East Jefferson Levee District (EJLD) millage rate for 2010. There were no comments from the public. Fran Campbell, EJLD Executive Director, advised that the millage rate approved for 2009 is being reaffirmed for 2010.

RESOLUTION #04-15-10-04 – EAST JEFFERSON LEVEE DISTRICT LEVY OF MILLAGE FOR 2010

On the motion of Mr. Jackson,
Seconded by Mr. Goins, the following resolution was offered:

BE IT HEREBY RESOLVED, that the following millage is hereby levied on the 2010 tax roll on all property subject to taxation by East Jefferson Levee District:

4.01 mills

BE IT FURTHER RESOLVED that the proper administrative officials of the Parish of Jefferson, State of Louisiana, be and they are hereby empowered, authorized, and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2010, and to make the collection of the taxes imposed for and on behalf of the taxing authority, according to law, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and collection thereof shall be enforceable in the manner provided by law.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

RESOLUTION #04-15-10-05 - SETTLEMENT OF SCHUDMAK LITIGATION

On the motion of Mr. Jackson,
Seconded by Mr. Goins, the following resolution was offered:

WHEREAS, the East Jefferson Levee District has litigation pending against it filed by Samuel Schudmak, III in the United States District Court, Eastern District of Louisiana Number: 06-893, and litigation pending originally filed by Schwegmann Giant Supermarkets, Inc., now Kenner Acquisitions, LLC, pending in the 24th Judicial District Court for the Parish of Jefferson, Number: 563-683, Division I; and

WHEREAS, Thomas P. Anzelmo, as counsel for the East Jefferson Levee District, has been authorized to enter into settlement negotiations to settle both lawsuits; and

WHEREAS, Thomas P. Anzelmo has confected a settlement acceptable to the Authority.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the settlement and authorizes the payment of the amount agreed upon and the execution of the settlement documents, including servitude agreements, quitclaim and releases by Frances Campbell, Executive Director of the East Jefferson Levee District, on such terms and conditions as approved by Mr. Anzelmo.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

**RESOLUTION #04-15-10-06 –
EJLD RENEWAL OF FLOOD INSURANCE COVERAGE**

Ms. Campbell advised that there was a premium increase of \$11 for this coverage.

On the motion of Mr. Losonsky,
Seconded by Mr. Goins, the following resolution was offered:

WHEREAS, the East Jefferson Levee District (EJLD) flood insurance coverage is due to expire and a quotation was received for renewal through Arthur Gallagher Risk Management Services; and

WHEREAS, coverage for the EJLD Administration Building (203 Plauche) can be renewed under National Flood Insurance Plan at an annual premium of \$2,182 with coverage of \$320,000 on the building and \$80,000 on contents, each with a \$1,000 deductible.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Flood Insurance Coverage, as hereinabove provided, under the National Flood Insurance Plan through Arthur Gallagher Risk Management, and authorizes the EJLD Executive Director to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

RESOLUTION #04-15-10-07 - LEGAL ACTIONS

On the motion of Mr. Wittie,
Seconded by Mr. Goins, the following resolution was offered:

BE IT RESOLVED, in accordance with discussions held in Executive Session, the Board hereby:

- Ratifies the confidential Settlement Agreement dated effective November 19, 2009 by and between the Orleans Levee District and the Southeast Louisiana Flood Protection Authority-East on the one hand and Louis Cornay and Jeanne Cornay (individually and as receivers of Southern Delta Land Company, Inc. relating to (among other things) the TEX W RA SUA in Plaquemines Parish near the Bohemia Spillway, the Lease dated February 5, 2002 from the Orleans Levee District to Core Energy Group, Inc. covering approximately 693.6419 acres and various lawsuits (including without limitation Civil Action No. 08-4742 pending in the United States District Court for the Eastern District of Louisiana)

executed on March 12, 2010 by President Timothy P. Doody and approved by the Attorney General of Louisiana on March 29, 2010; and

- Authorizes President Timothy P. Doody and the Authority's outside counsel Gordon, Arata, McCollam, Duplantis & Eagan, L.L.P. to execute any and all further necessary documents subject to approval of the Authority's General Counsel; and
- Approves keeping the terms of this Settlement Agreement confidential as further provided therein.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

RESOLUTION #04-15-10-08 - LEGAL ACTIONS

On the motion of Mr. Wittie,
Seconded by Mr. Goins, the following resolution was offered:

BE IT RESOLVED, in accordance with discussions held in Executive Session, the Board hereby:

- Ratifies the Settlement Agreement dated effective March 18, 2010 by and between the Orleans Levee District (appearing therein through the Southeast Louisiana Flood Protection Authority-East) on the one hand and Webb Worthington Trust, Madison Land Company, MDT Partnership, Clifford Webb, LLC, Henry Haller, Jr., Margaret Haller Crosby and Patricia Haller Bunn (collectively, the "Webb Worthington Parties) on the other hand relating to (among other things) Tract 22-B in the Bohemia Spillway and that civil action filed in the 25th Judicial District Court of Plaquemines by the Webb Worthington Parties under Docket No. 55-592 (the "Settlement Agreement") executed on March 19, 2010 by President Timothy P. Doody and to negotiate a road right-of-way agreement with Sundown Energy LP covering lands owned by the Orleans Levee District in the Bohemia Spillway; and
- Authorizes President Timothy P. Doody and the Authority's outside counsel Gordon, Arata, McCollam, Duplantis & Eagan, L.L.P. to execute any and all further necessary documents subject to approval of the Authority's General Counsel; and
- Approves keeping the terms of this Settlement Agreement confidential as further provided therein.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

RESOLUTION #04-15-10-09 - ORLEANS LEVEE DISTRICT FLOOD ASSETS DIVISION PRIMARY PROPERTY HAZARD (WIND/FIRE) INSURANCE COVERAGE

Gerry Gillen, Orleans Levee District (O.L.D.) Executive Director, explained that the Board established the limits for the O.L.D.'s flood insurance coverage last year. The premium for the primary coverage has increased \$6 and the premium for the excess coverage remains the same as last year's premium.

On the motion of Mr. Wittie,
Seconded by Mr. Losonsky, the following resolution was offered:

WHEREAS, the Orleans Levee District (O.L.D.) Flood Division's primary (wind/fire) property insurance coverage will expire on April 21, 2010; and

WHEREAS, Eagan Insurance Agency shopped the market for said coverage, and obtained a quote for \$5 Million of primary coverage from Ironshore Specialty Insurance Company, a non-admitted insurance carrier, AM Best Rated A- XI, at an annual premium of \$179,910.00, plus \$9,000.50 in Surplus Line Tax and a \$100.00 policy fee, for a total annual estimated cost of \$189,010.50; and

WHEREAS, said coverage contains a \$100,000.00 minimum deductible or a three percent deductible for each building value for wind, hail and cyclone and other conditions as defined in the policy, and a \$25,000.00 per occurrence deductible for fire and other conditions as defined in the policy; and

WHEREAS, the properties to be insured are under the jurisdiction of the O.L.D. Flood Assets Division.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of primary property (wind/fire) insurance coverage for properties under the jurisdiction of the O.L.D. Flood Assets Division from Ironshore Specialty Insurance Company through the Eagan Insurance Agency at an estimated annual cost of \$189,010.50 for a one year period commencing April 21, 2010.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director is authorized to execute any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

RESOLUTION #04-15-10-10 - ORLEANS LEVEE DISTRICT FLOOD ASSETS DIVISION EXCESS PROPERTY (Wind/Fire) INSURANCE COVERAGE

On the motion of Mr. Wittie,
Seconded by Mr. Goins, the following resolution was offered:

WHEREAS, the Orleans Levee District (O.L.D.) Flood Division's excess property (wind/fire) insurance coverage is due to expire on April 20, 2010; and

WHEREAS, Eagan Insurance Agency shopped the market for said coverage and obtained a quote for \$5 Million of excess coverage from Landmark American Insurance Company at an annual premium of \$37,500.00, plus a Surplus Line Tax of \$1,875.00, and a quote for \$5 Million of excess coverage from Arch Specialty Insurance at an annual premium of \$37,500.00, plus a Surplus Line Tax of \$1,875.00, for a total annual cost of \$78,740.00 for \$10 million of excess insurance coverage.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of excess property (wind/fire) insurance coverage for properties under the jurisdiction of the O.L.D. Flood Division from Landmark American Insurance Company and Arch Specialty Insurance Company through the Eagan Insurance Agency at an estimated annual cost of \$78,740.00 for a one year period commencing April 20, 2010.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director is authorized to execute any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

Public comments on the adoption of an Ordinance levying and imposing millage rates and assessments for tax year 2010 on all the property subject to taxation in the Lake Borgne Basin Levee District (LBBLD).

Mr. Doody called for public comments on the adoption of an Ordinance levying and imposing millage rates and assessments for the LBBLD for the tax year 2010. There were no comments from the public. Mr. Doody advised that the Board is reaffirming the same rates that were approved for 2009 for the LBBLD.

ORDINANCE NO. 1 - 2010

The following ordinance was offered by Mr. Wittie and seconded by Mr. Losonsky:

AN ORDINANCE LEVYING AND IMPOSING MILLAGE RATES AND ASSESSMENTS FOR TAX YEAR 2010 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE LAKE BORGNE BASIN LEVEE DISTRICT

WHEREAS, it is necessary for the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), to levy taxes and assessments for the year 2010;

BE IT ORDAINED by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of said District, that:

SECTION 1. Operation and Maintenance Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following millages for special taxes are hereby levied, assessed and imposed on all the property in the Lake Borgne Basin Levee District, Louisiana (the "District"), for the year 2010, for the respective purposes described below:

2010 Millage Rate	Election Date	Years Authorized	Purpose
3.83	N/A	N/A	Constitutional Tax (La. Const. Article VI, Section 39)
4.27	Oct. 23, 1999	2001-2010	Constructing and maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.
3.00	Nov. 15, 2003	2005-2014	Constructing and maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.

SECTION 2. Local or Forced Contribution. Under the authority of Part II and Sub-Part B of Part VI, Chapter 4, Title 38 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, a local of forced contribution of Fifty-Two and 80/100 Dollars (\$52.80) per mile of railroad lines within the District is hereby levied and assessed for the year 2010, for the purpose of constructing and maintaining levees, levee drainage, and for all other purposes incidental thereto.

SECTION 3. Collection of Taxes. The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes and assessment, as set forth above, upon the assessment roll of said Parish for the year 2010, and to make the collection of the taxes and assessment imposed for and on behalf of the District according to law, and the taxes and assessment herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

Specifically, the Assessor of the Parish of St. Bernard shall extend said taxes and assessment on said assessment roll as required by law, and the Sheriff and ex officio tax collector of the Parish of St. Bernard shall collect said taxes and assessment in the same manner as state taxes are collected and shall settle therefor with the State Treasurer, as provided by Section 404 of Title 38 of the

Louisiana Revised Statutes of 1950, as amended; provided, however the proceeds of the tax levied by Section 3 of this ordinance shall be remitted to the District pursuant to the authority of Section 551.9 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

SECTION 4. Publication. Certified copies of this ordinance shall be forwarded to the St. Bernard Parish Assessor and to the St. Bernard Parish Sheriff and ex officio tax collector as complete authority to levy and collect the taxes and assessment herein provided. This ordinance shall be published one time in the official journal of District in the manner provided by law.

SECTION 5. Effective Date. This ordinance shall become effective immediately.

The foregoing ordinance was read in full; the roll was called on the adoption thereof, and the vote thereupon was as follows:

YEAS: Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Barry and Mr. Estopinal

ABSTENTIONS: None

And the ordinance was declared adopted on this, the 15th day of April, 2010.

Mr. Doody announced that the next regular Board meeting would be held on May 20, 2010 and hosted by the Orleans Levee District.

There was no further business; therefore, the meeting was adjourned at 1:38 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

April 15, 2010

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Design work on the project continues. The overall design of the entire project is approximately 89% complete. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

All of the 66" diameter concrete piles and closure piles have been driven. All of the batter piles (645) have been driven with no major difficulties. 75% of the precast caps (256) have been set and 4380 l.f. of the parapet wall has been erected. (199) Cast in place "gaps" have also been completed. All parts of the wall (except guard rails) are now underway. All wall components should be complete by July 4, 2010.

The sill for the GIWW barge by-pass gate has been completed.

The Contractor has started work on the T-Wall tie-ins on both the north and south side of the project.

The Bayou Bienvenue vertical lift gate construction has begun. The Contractor has driven 80% of the required piles.

Bayou Bienvenue will remain closed to all navigation at the Project site due to lift gate construction.

East Jefferson Levee District:

Reach 1:

The Work is approximately 12% complete. The Contractor is stockpiling material on site in advance of possible spillway flooding. This Reach is scheduled for completion in September 2010.

Reach 2:

The Work is approximately 18% complete. Unsuitable material east of Williams Blvd. has been removed. New material is being brought in to complete the required lift. The Contractor is using an alternate borrow site on the West Bank for this project. This Reach is scheduled for completion in September 2010.

Reach 3:

The project is approximately 32% complete. The Contractor is stockpiling material on site in advance of possible spillway flooding. This Reach is scheduled for completion in August 2010.

Reach 4:

The project is approximately 41% complete. The Contractor is stockpiling material on site in advance of possible spillway flooding. Work is progressing (approximately 3000') west of Causeway. The work is scheduled to be complete in August 2010.

Reach 5:

The Project is approximately 74% complete. Unacceptable material was encountered in a ramp at the Coast Guard Station and is being removed and replaced with suitable borrow. Work on the relocation of the Coast Guard utilities and the Ridgelake ramp will begin soon. Scheduled completion is set for May 2010.

Bonnabel Breakwater Project:

Work is progressing and is approximately 75% complete. The scheduled completion is May 2010.

Duncan Breakwater Project:

The Project is approximately 54% complete. The bridge is complete. Scheduled Project completion is June 2010.

Williams Blvd. Floodwall and Gate:

The Project is approximately 54% complete. Utility relocation is complete. The work should be complete by April 2010.

Bonnabel Floodwall and Gate:

The Contractor will construct a temporary double lane road to facilitate construction. Anticipated completion is July 2010.

Pump Station Fronting Protection:

The USACE expects to award a construction contract for this work before the end of April 2010.

LPV 017.2 (Causeway Crossing):

The state will fund the relocation of the Causeway facilities and seek compensation from the USACE as the Project progresses. Final plans and specs are due in mid April 2010.

West Return Levee/Floodwall:

Right of Entry has been granted for the northern segment.

West Return Levee (Airport Runway):

Preparation of 100% plans and specs is underway. Right of Entry issues are still pending.

Orleans Levee District:

LPV 101.02 (17th St. Canal to Topaz Street):

Work includes demolition of the existing floodwall and replacement with a new concrete T-Wall with a top elevation of +16.0 (NAVD88.2004.65). Construction is approximately 30% complete and the Project is scheduled for completion before June 2011.

LPV 102.01, 103.01, and 104.01 Projects are 100% complete.

LPV 103.01 A1 (Bayou St. John):

Construction is now about 41% complete. A contract modification has been negotiated with the Contractor for de-watering the sector gate for USACE inspection and OLD maintenance.

LPV 103.01 A2 (Rail Street and Lake Terrace Flood Gate):

The 100% plans and specs are scheduled for completion in late April 2010. Short floodgates instead of ramps will be used at these locations.

LPV 104.01 A (Ramp Crossings – Lakeshore Dr.):

The Contractor is working all sites and is currently removing paving at the Franklin Ave, Leon C. Simon, Elysian Fields (East and West) and Canal Blvd. roadway crossings, and has begun placing lifts. Construction is approximately 15% complete.

LPV 104.02 (Seabrook West Side IHNC):

This project includes the construction of a new T-Wall. The Construction Contract was awarded on January 22, 2010. The Contractor has begun mobilizing on site.

LPV 104.02A (Retrofit of Wall and Floodgate South of W-40):

50% Plans and Specs are due in mid May 2010. Construction Contract award is scheduled for July 2010.

LPV 105.01 (Lakefront Airport T-Wall West):

The Construction Contract has been awarded.

LPV 105.02 (Lakefront Airport T-Wall East):

The Construction Contract will be awarded in May, 2010. The Award has been delayed pending an Agreement with the Railroad (NS).

LPV 106 (Citrus Lakefront Levee):

A design modification has been issued to move the I-Wall to the edge of the levee crown. Plans and specs were completed on December 4, 2009. Construction Contract Award has been delayed pending an Agreement with the Railroad (NS).

LPV 107 (Lincoln Beach Floodgate):

Plans and specs were completed in January 2010. Construction Contract Award has been delayed pending an Agreement with the Railroad (NS).

LPV 108 (New Orleans East Lakefront Levee):

This portion of the projects dealing with the Collins Pipeline Crossing is 98% complete. The embankment work is 100% complete. This Project brings the elevation of the levee to pre-Katrina authorized elevation, which is higher than the new required 100 year elevation.

LPV 109.2a (South Point to CSX Railroad – Levee Embankment):

The Permanent Servitude Agreement with USFWS has been finalized. Plans and specs have been completed. Construction Contract has been awarded and the pre-construction meeting will be held on April 15, 2010. Construction of the Project will be combined with LPV 109.02c (HWY 90 and HWY 11 floodgates).

LPV 109.02a1 (South Point to CSX Railroad - Wick Drain Test Section):

Construction is 100% complete. URS and USACE will monitor settlement and test to determine increases in shear strengths.

LPV 109.02a2 (South Point to CSX Railroad – Drainage Blanket):

The Construction Contract has been awarded and work is approximately 32% complete.

LPV 109.02b (South Point to CSX Railroad - I-10 Crossing):

The Construction Contract was awarded earlier this month (April 2010).

LPV 109.02c (South Point to CSX Railroad – Hwy 90 and Hwy 11 Floodgates):

Plans and specs are complete. Construction will be done under LPV 109.02a.

LPV 110 (CSX Railroad Crossing):

Plans and specs were completed on December 15, 2009. The project permit with CSX Railroad is nearly complete and should be issued soon. Construction Contract will be awarded upon receipt of Railroad Agreement and issuance of the required Right of Entry.

LPV 111.01 (North Side GIWW):

The USACE awarded a \$3.1 million pre-construction services contract (ECI Contract) in July 2009. The contract includes construction of levee sections using deep soil mixing, and a T-wall from the end of the earthen levee to the Inner Harbor Navigation Canal tie-in. Deep soil mixing operations are underway (3 of 7 rigs are on site and working). Work is approximately 8% complete.

LPV 111.02 Pump Station 15 Fronting Wall:

Plans and specs are about 95% complete and are scheduled for completion in April 2010.

LPV 111.03 Tie-in to IHNC:

The Project consists of about 1000' of new T-Wall. Plans and specs are 95% complete.

LPV 113 (NASA):

Construction is approximately 68% complete. The Project is scheduled for completion in May 2010.

Seabrook Structure:

USACE has awarded the ECI Contract to Alberici Construction. ROE for the test pile program has been issued by OLD. The USACE has requested the State to acquire real estate interests from public agencies (Port of New Orleans). Negotiations are ongoing.

Lake Borgne Basin Levee District:

LPV 144 (Bayou Dupre Control Structure):

This project will replace the existing Bayou Dupre Control Structure (sector gate) with a new sector gate. The Construction Contract was awarded on January 29, 2010. The Contractor has mobilized on the site and is preparing to install the cofferdam. Bayou Dupre will be closed to navigation at the existing Control Structure until April 2011.

LPV 145 (Bayou Bienvenue to Bayou Dupre):

The project includes approximately 6 miles of new T-Wall atop the existing earthen levee. An ECI Contract has been awarded for this reach. Pile load testing is now complete. The temporary bridge across Bayou Bienvenue has been completed and a temporary aggregate surfaced construction access roadway the length of the project is under construction.

LPV 146 (Bayou Dupre to Verret):

The project includes approximately 8 miles of new T-Wall atop the existing earthen levee. An ECI Contract has been awarded for this reach. The pile load tests are nearing completion. 95% Plans and specs are complete. The Contractor is constructing an access road and has begun driving sheet piles (approximately 5500 l.f. completed). The first H-Piles were driven earlier this week. The emergency by-pass ramp for LA HWY 46 will now be constructed under the LPV 146 Contract.

LPV 147 (LA Hwy 46 and LA Hwy 300 Flood Gates):

The project includes a new set of floodgates at LA Hwy 46 and the replacement of the existing floodgate at LA Hwy 300. An emergency by-pass ramp will be constructed at the LA Hwy 46 location under the LPV 146 Contract. The Construction Contract was awarded and a pre-construction meeting was held on April 6, 2010.

The LA Hwy 300 Flood Gate will be constructed under the LPV 148 Project.

LPV 148.02 (Verret to Caernarvon):

The Project includes approximately 9 miles of new T-Wall atop the existing earthen levee. USACE awarded the ECI Contract to Cajun Constructors in February 2010.

LPV 149 (Caernarvon Floodwall – Lake Borgne Basin Levee District):

The project design requires a realignment of the Caernarvon levee/floodwall to a location east of the Caernarvon Canal. The new alignment necessitates the construction of a new Control Structure (sector gate) in the Caernarvon Canal.

Final plans include a sector gate at the Caernarvon Canal. 100% Plans and Specs are complete. Pile Load Tests are underway and the Construction Contract is scheduled to be advertised in March 2010.

Permanent Pump Stations and Outfall Canals:

According to the USACE, they are authorized and funded to design/construct perimeter protection only (Option 1). They are authorized but not funded to do an engineering study, which would include modifying the outfall canals to allow for gravity flow to the new pump stations at the lake and removing the existing upstream pump stations (Option 2/2a). This study would include a risk assessment of Option 1. Funding for the study would probably have to be included in the Corps' Federal Works Appropriations Budget.

According to USACE, design and construction Option 2/2a is neither authorized nor funded. All agree, however, that Option 2/2a is technically superior to Option 1 alone. In any case, it is imperative that the new pump stations be designed and constructed with the features necessary to accommodate construction of Option 2/2a. Failure to do at least this would make conversion of the outfall canals to gravity flow low level interior drainage channels impracticable.

The Amendment to the LPV PPA for the permanent pump stations has been signed.

Development of the RFP for design/build of the Permanent Pump Stations is continuing with input from stakeholders.

AECOM is developing new construction cost estimates for Option2/2a.

Elevation Map:

The USACE has published a map showing the 100 year level of protection elevations for the hurricane protection levee system in the metro New Orleans area. The elevations depicted are current as of June 2009. The map can be found at the following web address:

Coastal Protection and Restoration

Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon has been shut down to facilitate dredging operations in the Violet Canal.

Additional Coastal Restoration projects in the MRGO area are scheduled to begin during the next 12 months. The projects will be designed and constructed through the USACE and will be funded with the \$75 million dollars in federal appropriations provided after Hurricane's Katrina and Rita.

Flood Fight

The Mississippi River is above 12' at the Carrollton Gage and the Districts are monitoring the levee daily. The River should remain above 11' at the Carrollton gage at least through the end of April 2010.

Design and Construction

East Jefferson Levee District:

Work is continuing on the EJLD Safe House. The Architect has submitted a draft of the "Existing Conditions Assessment". EJLD and SLFPAE met with the Architect to discuss parameters that will be used in the planning and design of the facility. EJLD meets with the A/E about twice a month

Seepage along River Road is being monitored daily. Indications are that previously observed seepage was related to rainfall.

Orleans Levee District:

Construction on LPV 117 Project (Phase I East Side IHNC – Relief Wells) is complete. Overall the project looks good but grass has not yet begun to grow at all locations. The project involved the installation of approximately 20 relief wells.

Construction on LPV 117 Project (Phase 2 East Side IHNC – Sheet Pile Installation) work is nearly complete. Approximately 1400 linear feet of steel sheet pile has been installed at a location that is about 4000' south of the Seabrook Bridge.

Construction has begun on the OLD Safe House Project (NTP issued on January 11, 2010). The Project is approximately 10% complete and scheduled for completion in August 2010.

The Floodgate Seal Repairs Project has been awarded and the Contractor has begun sending in the required submittals.

Work on the Franklin Ave Warehouse South Section Roof Replacement Project is approximately 3% complete.

Dr. Lorenzo started field investigations on the 17th St. Canal failure location on January 14, 2010.

Bayou St. John Sector Gate Maintenance Cycle Contract has been executed and NTP is pending.

Lake Borgne Basin Levee District:

The Contract for the Bluebird and Artillery Canal Cleaning Project has been completed. A punch list has been developed and submitted to the Contractor.

Work is 100% complete on the Tainter Gate Repairs at P.S. Nos. 1 & 4.

The Notice to Proceed was issued to Fleming Construction for the Transition Improvements and Scour Protection at various locations along the 40 Arpent Canal Levee. The pre-construction meeting was held on February 10, 2010. Work on the Project is underway.

LBBLD has received proposals from A/E firms to prepare plans and specs for a remote control system to operate the pumps at Pump Station 2 from Pump Station 6, and Pump Station 3 from Pump Station 7. The proposals have been reviewed and negotiations with the selected consultant have begun.

The new siphon pump for the Violet Freshwater Diversion Siphon has been purchased. The cost of the pump will be reimbursed by DNR.

The Pre-bid conference for the Violet Canal emergency dredging project was held on March 16, 2010. Bids were accepted on March 19, 2010 and a Contract was issued to the lowest responsive responsible bidder. The Work includes dredging a portion of the canal near the Siphon discharge to allow for marine navigation. The contractor started work on April 11, 2010. The Project should be completed in early May 2010. The cost for the work will be reimbursed by DNR.

Plans prepared by LDOTD for the Violet Canal Closure Structure Improvement Project have been submitted to LBBLD for review. The Project involves the replacement of an old sheet pile I-Wall in the 40 Arpent Canal near its intersection with the Violet Canal. The Project is scheduled for bid in late April 2010.

Task Order negotiations are underway with URS to provide services necessary to investigate seepage at PS #'s 2 & 3 and prepare plans and specs for repair.

Internal Affairs

The USACE will issue new reports on computed Safe Water Elevations for the three outfall canals in Orleans Parish. The London Ave and 17th Street Canal SWE reports are undergoing peer review. The USACE intends to make modification to the existing canal floodwalls to achieve a minimum safe water elevation of 8' in all three canals.

We now have three inspectors working with us provided by OCPR. Additional technical support is forthcoming. We are developing a management plan to establish procedures for interaction between the USACE, OCPR and SLFPAE during project construction.

The Mississippi Valley Flood Control Association Spring Meeting was held in Washington DC March 20-24, 2010.

The ALBL Workshop in Baton Rouge is scheduled for May 6th and 7th, 2010.